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BEFORE THE DEPARTMENT OF BUSINESS OVERSIGHT
OF THE STATE OF CALIFORNIA

| | | |
|--------------------------------|---|------------------------------|
| In the Matter of: |) | MLO-LICENSE No. CA-DBO269495 |
| THE COMMISSIONER OF BUSINESS |) | ACCUSATION |
| OVERSIGHT, |) | |
| Complainant, |) | |
| v. |) | |
| ERIC BERNARDINO BECERRA, as an |) | |
| individual, |) | |
| Respondent. |) | |

Jan Lynn Owen, the Commissioner of Business Oversight (“Commissioner”), is informed and believes, and based on such information and belief, alleges and charges Respondent Eric Bernardino Becerra (“Becerra”) as follows:

I

Jurisdiction and Venue

- Under the provisions of Financial Code 50327, the Commissioner brings this action to

2. The Commissioner is authorized to administer and enforce the provisions of the California Residential Mortgage Lending Act (Fin. Code, § 50000 et seq.) (“CRMLA”).

II

Statement of Facts

3. On or about September 4, 2004, the California Bureau of Real Estate (“BRE”) issued Becerra a real estate salesperson license. BRE later revoked Becerra’s license in an adopted decision dated October 19, 2012.

4. Becerra received his MLO license from the Department of Business Oversight (“Department”) on or about April 15, 2011.

5. Becerra is currently employed and sponsored by Venta Financial Group, Inc., a California-licensed CRMLA lender based in Las Vegas, Nevada.

6. On or about February 24, 2011, Becerra submitted his MLO application to the Department, a Form MU4, through the Nationwide Mortgage Licensing System and Registry (“NMLS”).

7. In his February 24 Form MU4, Becerra answered “No” to Regulatory Action Disclosure question (I)(8), which asks whether any State or federal regulatory agency ever “issued a final order against you based on violations of any law or regulations that prohibit fraudulent, manipulative, or deceptive conduct?”

8. But a review of Becerra's disciplinary history before the BRE discloses that on or about April 15, 2009, he entered into a Stipulation and Agreement with the Real Estate Commissioner in which he was found to have violated Business and Professions Code section 10176, subdivision (b), by making false promises to consumers in connection with his activities as an unlicensed real estate broker. Under the terms of the parties' settlement agreement, BRE revoked Becerra's real estate salesperson license but provided him with a "restricted real estate salesperson license" subject to certain conditions, including the requirement that Becerra take and pass the Professional Responsibility Examination. Becerra's restricted license was to remain in place for a period of at least two years.

1 9. In addition to the Stipulation and Agreement, on or about July 15, 2009 BRE issued
2 Becerra an Order to Desist and Refrain (under Business and Professions Code section 10086). The
3 Real Estate Commissioner found Becerra had committed multiple violations of the Business and
4 Professions Code by participating in a loan modification scheme in which he acted as an unlicensed
5 real estate broker. In connection with the scheme, BRE found Becerra had violated laws that prohibit
6 fraudulent, manipulative, and deceptive conduct, including Business and Professions Code sections
7 10176, subdivisions (a) (misrepresentation), (b) (false promises), (c) (continued and flagrant course
8 of misrepresentation and/or making false promises), and (i) (fraud and dishonest dealing by licensee),
9 and 10177, subdivision (j) (fraud and dishonest dealing). On the basis of his violations of the
10 Business and Professions Code, BRE ordered Becerra to desist and refrain from engaging in
11 unlicensed real estate broker activities.

12 10. On or about September 10, 2012, Becerra submitted an amended MU4 application to
13 the Department, which reflected additional “Yes” responses to Regulatory Action Disclosure
14 Questions concerning recent BRE actions taken against him. Specifically, on or about November 28,
15 2011, BRE issued an accusation to revoke Becerra’s salesperson license, alleging that he had acted as
16 an unlicensed real estate broker in connection with a loan modification scheme. On or about
17 December 16, 2011, BRE also issued an order suspending Becerra’s restricted real estate salesperson
18 license.

19 11. While Becerra disclosed and submitted supplementary materials explaining the BRE
20 actions taken against him, he responded “No” to Regulatory Action question (K)(1), which asks
21 whether any state or federal regulatory agency ever “found you to have made a false statement or
22 omission or been dishonest, unfair or unethical?” But Becerra was then subject to BRE’s Stipulation
23 and Agreement dated April 15, 2009, in which he was found to have violated Business and
24 Professions Code section 10176, subdivision (b), by making false promises to consumers.

25 12. In his September 10 amended MU4 application, Becerra also responded “No” to
26 Regulatory Action question (K)(8), which asks whether a state regulatory agency ever “issued a final
27 order against you based on violations of any law or regulations that prohibit fraudulent, manipulative,
28 or deceptive conduct?” But Becerra was then subject to BRE’s July 15, 2009 Desist and Refrain

Order in which he was found to have violated Business and Professions Code sections 10176, subdivisions (a), (b), (c), and (i), and 10177, subdivision (j), which prohibit fraudulent, manipulative, and deceptive conduct.

13. On or about November 8, 2012, approximately one month after having submitted his amended MU4 application, BRE revoked Becerra's real estate salesperson license in an adopted decision dated October 19, 2012. The court noted, in its decision, that since 2006 Becerra had exhibited a continued pattern of acting in the capacity of a real estate broker without holding a real estate broker license.

14. Becerra failed to report the license revocation to the Department or update his MU4 to reflect his current BRE licensure status.

15. On or about August 21, 2015, BRE notified the Department that it had revoked Becerra's real estate salesperson license as of November 8, 2012.

16. In response to BRE's disclosure, the Department placed Becerra's MLO license on inactive status, and issued him a license item request for additional information about the BRE license revocation.

17. On or about September 9, 2015, Becerra uploaded into NMLS a new letter of explanation and further documentation concerning his case, which included a copy of the BRE Commissioner's October 19, 2012 adopted decision revoking Becerra's real estate salesperson license.

III

Applicable Statutes

18. Business and Professions Code section 10176 provides in pertinent part:

The commissioner may, upon his or her own motion, and shall, upon the verified complaint in writing of any person, investigate the actions of any person engaged in the business or acting in the capacity of a real estate licensee within this state, and he or she may temporarily suspend or permanently revoke a real estate license at any time where the licensee, while a real estate licensee, in performing or attempting to perform any of the acts within the scope of this chapter has been guilty of any of the following:

- (a) Making any substantial misrepresentation.
- (b) Making any false promises of a character likely to influence, persuade, or induce.
- (c) A continued and flagrant course of misrepresentation or making of false promises through real estate agents or salespersons.

- (i) Any other conduct, whether of the same or different character than specified in this section, which constitutes fraud or dishonest dealing.

19. Business and Professions Code section 10177 provides in pertinent part:

The commissioner may suspend or revoke the license of a real estate licensee, delay the renewal of a license of a real estate licensee, or deny the issuance of a license to an applicant, who has done any of the following, or may suspend or revoke the license of a corporation, delay the renewal of a license of a corporation, or deny the issuance of a license to a corporation, if an officer, director, or person owning or controlling 10 percent or more of the corporation's stock has done any of the following:

- (d) Willfully disregarded or violated the Real Estate Law (Part 1 (commencing with Section 10000)) or Chapter 1 (commencing with Section 11000) of Part 2 or the rules and regulations of the commissioner for the administration and enforcement of the Real Estate Law and Chapter 1 (commencing with Section 11000) of Part 2.

- (g) Demonstrated negligence or incompetence in performing an act for which he or she is required to hold a license.

- (j) Engaged in any other conduct, whether of the same or a different character than specified in this section, that constitutes fraud or dishonest dealing.

- (k) Violated any of the terms, conditions, restrictions, and limitations

contained in an order granting a restricted license.

20. Financial Code section 50141 provides in pertinent part:

(a) The commissioner shall deny an application for a mortgage loan originator license unless the commissioner makes a minimum of the following findings:

(3) The applicant has demonstrated such financial responsibility, character, and general fitness as to command the confidence of the community and to warrant a determination that the mortgage loan originator will operate honestly, fairly, and efficiently within the purposes of this division.

21. Financial Code section 50327 provides in pertinent part:

(a) The commissioner may, after notice and a reasonable opportunity to be heard, deny, decline to renew, suspend, or revoke any license if the commissioner finds that:

(2) Any fact or condition exists that, if it had existed at the time of the original application for the license, reasonably would have warranted the commissioner in refusing to issue the license originally.

22. Title 10 of the California Code of Regulations section 1950.122.9 provides in pertinent part:

(a) Each licensed . . . mortgage loan originator shall, upon any change in the information contained in its application for license (other than financial information contained therein), promptly file an amendment to such application setting forth the changed information.

(c) A mortgage loan originator shall file changed information contained in its Form MU4, and any exhibits thereto, through NMLS in accordance with its procedures for transmission to the Commissioner within twenty (20) days of changes to the information. Any change that cannot be submitted through NMLS shall be filed directly with the Commissioner. A mortgage loan originator may not renew his or her license under Section 1950.122.5.3 of Subchapter 11.5 of these rules until all changes to the information contained in his or her Form MU4 are filed with the Commissioner as provided in this section.

IV

Prayer

The Commissioner finds Becerra misrepresented his qualification for licensure by failing to disclose the revocation of his real estate salesperson license and by answering “No” in his responses to the MU4, which specifically asked for information about prior regulatory actions based on conduct involving violations of any law or regulations that prohibit fraudulent, manipulative, or deceptive conduct. And, as a result of Becerra’s failure to adequately disclose his disciplinary history with BRE, the Department’s decision to license Becerra was based on false and incomplete information. Furthermore, based on the conduct underlying the BRE license revocation action, Becerra has not demonstrated the responsibility, character, and fitness necessary to command the confidence of the community and to warrant a determination that he will operate honestly, fairly, and efficiently as a mortgage loan originator.

The Commissioner finds that, by reason of the foregoing, a fact or condition exists that reasonably would have warranted the Commissioner in refusing to issue the MLO license to Becerra originally and this constitutes grounds for the revocation of Becerra’s MLO license.

WHEREFORE, IT IS PRAYED Eric Bernardino Becerra’s MLO license be revoked under section 50327 of the Financial Code.

Dated: January 12, 2016
Los Angeles, California

JAN LYNN OWEN
Commissioner of Business Oversight

By: _____
Blaine A. Noblett
Senior Corporations Counsel
Enforcement Division